



# California Regional Water Quality Control Board Lahontan Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.mscomm.com/~rwqcb6>  
2501 Lake Tahoe Boulevard, South Lake Tahoe, California 96150  
Phone (530) 542-5400 • FAX (530) 544-2271

**Gray Davis**  
Governor

## MINUTES NOVEMBER 14-15, 2001

### Regular Meeting

Lahontan Regional Water Quality Control Board  
City of Truckee, Town Hall Council Chambers  
10183 Truckee Airport Road  
Truckee

Dr. Cooley, Chairperson, called the meeting to order at 1:05 p.m. on November 14, 2001.  
Roll call of Board members and staff introductions. All Board members present.

### BOARD MEMBERS PRESENT

John Brissenden, Hope Valley  
Beatrice Cooley, Ph.D., Bishop  
Eugene B. Nebeker, Ph.D., Lancaster  
Jack Clarke, Apple Valley  
Eric Sandel, P.E., Truckee

### BOARD MEMBERS ABSENT

None

### LEGAL COUNSEL

Phillip Wyels, State Water Resources Control Board

### STAFF PRESENT

Harold J. Singer, Executive Officer  
Robert S. Dodds, Assistant Executive Officer  
Hisam Baqai, Supervising WRCE, South Lahontan Watersheds Division  
Lauri Kemper, Supervising WRCE, North Lahontan Watersheds Division  
Chuck Curtis, Supervising WRCE, Planning and Toxics Division  
Lisa Dernbach, Senior Engineering Geologist, MTBE, UST Cleanups  
Alan Miller, Senior WRCE, Carson/Walker Watershed  
Scott Ferguson, Senior WRCE, Northern Watersheds  
Eric Taxer, WRCE, Northern Watersheds  
Martin Goldberg, Environmental Scientist, Northern Watersheds  
Anne Sutherland, Engineering Geologist, TMDL Unit  
Doug Smith, Associate Engineering Geologist, UST/DoD Unit  
Tammy Lundquist, Associate Engineering Geologist, UST/DoD Unit

Thomas Gavigan, Associate Engineering Geologist, UST/DoD Unit  
Richard Booth, Associate Engineering Geologist, UST/DoD Unit  
Brian Grey, Environmental Scientist, UST/DoD Unit  
Cadie MacDonald, Associate Engineering Geologist, Planning & Toxics  
Thomas Suk, Staff Environmental Scientist  
John Steude, WRCE, Carson/Walker Watershed  
Abby O'Keefe, Student Assistant  
Christine Eklund, Student Assistant  
Michelle Bovard, Student Assistant  
Marietta Christoffersen, Office Technican  
Susan-Marie Hagen, Executive Assistant

### **ADDRESSING THE BOARD**

Mike Livak, Squaw Valley Ski Corporation  
Nancy Wendt, Squaw Valley Ski Corporation  
John Chisholm, wildlife advocate  
Carl Gustafson, Squaw Valley resident  
Don McCormack, Mayor of Truckee  
Kenn Rieders, Prosser Lakeview Estates, Truckee  
Donna L. Hollenstain, Property owner  
Ron Herman, Property owner  
Ivo Bergsohn, South Tahoe Public Utility District  
William McClintock, TCN Company

**Regular Meeting**  
**1:00 p.m. November 14, 2001**

### **ENFORCEMENT ACTION**

1. ***Public Hearing – Consideration of a Cleanup and Abatement Order for Squaw Valley Ski Corporation, Squaw Valley Preserve, and Squaw Valley Development Company for Violation of Waste Discharge Requirements, Conditions Specified in Waivers of Waste Discharge Requirements, Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region, and Provisions of the California Water Code, Squaw Valley Ski Area, Placer County.***

Harold Singer, Executive Officer, addressed the Board and stated that on November 13, 2001, Squaw Valley Ski Corporation (SVSC) requested that the Board continue this item to its next regular meeting of January 9-10, 2001. Mr. Singer recommended that the Board hold a hearing at this time. The Board agreed to continue with the hearing.

Scott Ferguson gave the staff presentation and Regional Board staff's recommendation that the Board adopt a Cleanup and Abatement Order with Late Revisions for SVSA.

Mr. Singer and Regional Board staff responded to questions from the Board and made concluding comments.

Mike Livak, Director of Planning, made the presentation for SVSA. Regional Board staff and Mr. Singer addressed various technical issues. Mr. Wyels, Legal Counsel for the Regional Board, addressed several legal issues raised by the dischargers. Nancy Wendt, President of SVSC, addressed the Board regarding a few items on the last page of the formal response that SVSC had provided to the Board. Questions were raised and comments made by Board members and SVSC. Mr. Singer, Ms. Kemper Mr. Wyels and Regional Board staff responded to questions from Board members.

The following members of the public presented testimony: Carl Gustafson, who also presented photographs to the Board as an exhibit, and John Chisholm.

Mr. Ferguson provided clarification on the SVSC facilities assessment plan and its use in identifying additional sources of erosion adversely affecting the beneficial uses of Squaw Creek and its tributaries. Mr. Wyels stated his opinion, contrary to SVSC's interpretation, that the receiving water objectives in the waste discharge requirements apply to all water bodies in the watershed including ephemeral water bodies and drainages. Board members made additional comments and presented questions to the dischargers to which Mr. Livak responded before he made his closing comments.

Mr. Singer suggested four possible options regarding a response to the hearing and issues raised: 1) Board decides not to issue an order and closes the hearing; 2) Board decides to continue the hearing to the next Board meeting in January; 3) Board directs Mr. Singer and staff to work with SVSC over a very limited period to resolve all or specific issues and then to issue an order at some future date whether or not those issues are resolved; 4) Board adopts the order today as proposed by staff or with any modifications suggested by Board. Mr. Singer recommended that the Board adopt the order as proposed by the staff at this time, with any additional modifications in light of today's testimony. Dr. Cooley asked for any other testimony. There being none, the hearing was closed.

Mr. Singer addressed procedural questions and concerns from Board members.

**Motion:** Moved by Dr. Nebeker, seconded by Mr. Sandel to request Mr. Singer to issue a Cleanup and Abatement Order to Squaw Valley Ski Corporation (SVSC) on Dec. 14, 2001, with the modifications that he deems appropriate based on Board member comments from today's hearing, and after further discussions have occurred between Lahontan Regional Board staff and SVSC.

Voting "Yes": Dr. Nebeker, Mr. Sandel, Dr. Cooley, Mr. Clarke. Voting "No": Mr. Brissenden.

**OTHER BUSINESS**

5. **California Department of Food and Agriculture, Truckee Agricultural Inspection Station Relocation Project – Exemption to Waste Discharge Prohibition Contained in the Water Quality Control Plan for the Lahontan Region, Nevada County.** Mr. Don McCormack, Mayor of Truckee, addressed the Board briefly on this item.

**Motion:** Moved by Mr. Clarke, seconded by Mr. Sandel **and unanimously carried** to accept staff's recommendation and adopt as proposed Item # 5.

The afternoon Board meeting session adjourned at 5:18 p.m.

**Regular Meeting, Continued**  
**7:05 p.m., November 14, 2001**

Chairperson Dr. Cooley convened the evening Board meeting session at 7:05 p.m. Other Board members present included: Mr. John Brissenden; Mr. Jack Clarke; Dr. Eugene Nebeker; and Mr. Eric Sandel.

Mr. Singer introduced the staff members present from the Lahontan Regional Board.

3. **PUBLIC FORUM**

Mr. Kenn Rieders, private property owner in Truckee, presented a petition from residents in his subdivision requesting that (1) a sewer line be installed to their area to replace the current individual leach field systems because of potential ground water contamination, and (2) that the subdivision be included in the Truckee Sanitary District's service area. Mr. Singer said that he would talk to staff and report back on this at the next Board meeting.

Ms. Donna Hollenstain, property owner in Bishop, read a letter she submitted to the Board along with a packet of information regarding the denial of her appeal of a letter of developability that Regional Board staff had sent to her tenant, Tosco Corporation, in July 2001. Her property at 351 North Main Street in Bishop has been under cleanup activity since 1986. She stated that after many months of discussions with Regional Board staff, an impasse has been reached and that staff had informed her that the Office of Chief Counsel, State Water Resources Control Board, had determined that a letter of developability was not an appealable action. Mr. Ron Herman, part owner of this same property, also made comments to the Board.

Mr. Baqai, Mr. Singer, and Regional Board legal counsel, Mr. Wyels responded to questions from the Board and to Ms. Hollenstain and Mr. Herman.

4. **MINUTES**

The minutes of the Regular Meeting of October 10-11, 2001 in Bishop were approved.

**Motion:** Moved by Mr. Sandel, seconded by Mr. Clarke **and unanimously carried** to adopt the October minutes as proposed with noted corrections on pages 4 and 5.

6. **Status Report – Surface Water Ambient Monitoring Program**

Thomas Suk, Lahontan Regional Board Staff, and Dr. David Herbst, University of California, Sierra Nevada Aquatic Research Laboratory, made the presentation on the surface water ambient water quality monitoring program and the bioassessment programs currently underway and planned for the Lahontan Region.

7. **Workshop – Discussion of the Closure Process for Underground Storage Tank (UST) Cases**

Lisa Dernbach, Lahontan Regional Board staff, made the presentation and explained the case closure process to the Board. Mr. Ivo Bergsohn, a geologist with South Tahoe Public Utilities District, made additional comments.

The evening meeting adjourned at 9:50 p.m.

**Regular Meeting, Continued**  
**8:30 a.m., November 15, 2001**

Chairperson Cooley called the morning session of the meeting to order at 8:34 a. m. Board members present included: Eric Sandel; John Brissenden; Jack Clarke; and Eugene Nebeker. Mr. Singer introduced the staff members present from the Lahontan Regional Board.

**ENFORCEMENT ACTION**

10. ***Public Hearing – Consideration of an Administrative Civil Liability Order for the TCN Company, William McClintock, Bessie Pomin, and David and Betty Lowry for Violation of California Water Code Section 13267, Big Tree Cleaners, Placer County.***

This was a continuation of a public hearing from the March 14-15, 2001 Board meeting in Truckee regarding failure to submit a technical report for the Big Tree Cleaners.

Mr. Singer reported to the Board that staff has been working with the various parties and have reached a tentative settlement which he was asking the Board to ratify. At the March Board meeting, the Board had asked for a report on three items and their status which Mr. Singer presented: (1) To continue the monitoring effort at the site. This has been ongoing with regular reports being submitted on time; (2) That a long-term corrective action proposal be developed and submitted. It was submitted and staff is pleased with the direction is proposed and all work has been implemented that was previously proposed; and (3) The Board requested that all the parties work together to accomplish these ends. This has occurred.

The tentative settlement contains the following terms to be considered together:

(1) That the amount of the civil liability be reduced to \$10,000; (2) That the Board, in a finding, would acknowledge that payment of the civil liability is not an admission of liability for the allegations made in the complaint; (3) That the liability would be paid in two equal payments- one payment due within thirty days, and the second payment due on April 15, 2002. (This part of the package would be put into the cover letter rather than the complaint itself.) Staff suggested that the Board modify the proposed Board Order to incorporate these components and that the Board adopt the proposed order to ratify the settlement.

Mr. McClintock addressed the Board and stated that all the items requested by the Board had been accomplished. He then asked the Board to adopt the settlement and its terms. The Board stated that it was pleased with the progress and direction of the parties' efforts.

**Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden **and unanimously carried** to accept staff's recommendation and adopt the settlement agreement.

## 9. **CLOSED SESSION**

The Board members met in closed session on November 15, 2001 from 8:50 a.m. to 11:05 a.m. in the council chambers of the Truckee Town Hall to discuss item (c). The Board reconvened in open session at 11:06 a.m.

There being no further business to come before the Board, the November 14-15, 2001 meeting of the Lahontan Regional Board adjourned at 11:07 a.m.

Prepared by: \_\_\_\_\_  
Susan-Marie Hagen, Executive Assistant

Adopted \_\_\_\_\_